

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36314

STATE OF IDAHO,)	2010 Unpublished Opinion No. 406
)	
Plaintiff-Respondent,)	Filed: March 30, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
SHERI LEE CLOSE,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael R. McLaughlin, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

Sheri Lee Close pled guilty to grand theft. Idaho Code §§ 18-2403(1), 18-2407(1)(b). The district court sentenced Close to a unified term of fourteen years with one and one-half years determinate. Close filed an Idaho Criminal Rule 35 motion which the district court granted, in part, by suspending her sentence and placing her on supervised probation for fourteen years, but did not reduce the underlying sentence. Close appeals asserting that the district court abused its discretion by failing to reduce her underlying sentence.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In

presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including any new information submitted with Close's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Close's Rule 35 motion is affirmed.